

1 LAUREL I. HANDLEY (NV Bar # 9576)  
2 REBECCA P. KERN (NV Bar # 9079)  
3 **ALDRIDGE PITE, LLP**  
4 520 South 4th Street, Suite 360  
5 Las Vegas, Nevada 89101  
6 Telephone: (858) 750-7600  
7 Facsimile: (702) 685-6342  
8 E-mail: rkern@aldridgepite.com

9  
10 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
11 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns  
12 Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its  
13 successors and/or assigns

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 U.S. BANK NA, SUCCESSOR TRUSTEE  
17 TO BANK OF AMERICA, NA, SUCCESSOR  
18 IN INTEREST TO LASALLE BANK, NA,  
19 ON BEHALF OF THE REGISTERED  
20 HOLDERS OF BEAR STEARNS ASSET  
21 BACKED SECURITIES I LLC, ASSET-  
22 BACKED CERTIFICATES, SERIES 2006-  
23 HE8, its successors and/or assigns,

24 Case No.: 2:16-cv-00445-MMD-CWH

25 **MOTION TO REMAND TO HENDERSON**  
**JUSTICE COURT**

26 Plaintiff,

27 vs.

28 ANTONIETA TOVAR-GUZMAN, ROBERT  
29 J. STONE SR., and DOE OCCUPANTS I  
30 through X, inclusive,

31 Defendants.

32  
33 COMES NOW, Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA,  
34 successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns  
35 Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors  
36 and/or assigns, ("U.S. Bank"), by and through its attorneys of record, LAUREL I. HANDLEY,  
37 ESQ., and REBECCA P. KERN, ESQ., of ALDRIDGE PITE, LLP, and hereby moves this court  
38 for an order remanding this case back to Henderson, Nevada Justice Court, pursuant to 28 U.S.C.  
39 §1447(c).

40 /./.

1 This Motion is made and based on the following Memorandum of Points and Authorities,  
2 Plaintiff's request for judicial notice, the Exhibits attached hereto, the papers and pleadings on  
3 file in this case, and any argument the Court may entertain.

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. INTRODUCTION

6 The underlying complaint in this case was brought pursuant to Nevada Revised Statute  
7 §40.255, seeking possession of certain real property on the grounds that the defendants are  
8 unlawfully detaining the home, post foreclosure. This action was properly brought before the  
9 Henderson, Nevada Justice Court on December 2, 2015. Nevertheless, one of the DOE  
10 OCCUPANT defendants filed a Notice of Removal asserting theories and allegations that are not  
11 set forth in the complaint. Defendant has failed to establish this court's jurisdiction over the  
12 subject matter of this case. As such, Plaintiff hereby requests that the Court grant its Motion for  
13 Remand, and remand this case back to the Henderson, Nevada Justice Court.

## II. FACTUAL HISTORY

#### A. BACKGROUND FACTS:

16 On December 12, 2013, Plaintiff, U.S. Bank, purchased the real property, located at 1853  
17 Indian Bend Drive, Henderson, Nevada 89074 (“Subject Property”), as the foreclosing  
18 beneficiary under the deed of trust at a foreclosure auction. A true and correct copy of the  
19 Trustee’s Deed Upon Sale, recorded in Clark County, Nevada as instrument number  
20 201401100002534, is attached hereto as **Exhibit “1.”**<sup>1</sup> Thereafter on November 14, 2015, a  
21 Notice to Surrender was served upon the Defendants. A true and correct copy of the Notice to  
22 Surrender and Verified Return of Service, is attached hereto as **Exhibits “2- 3.”** respectively.

24 Plaintiff requests that this Court take judicial notice of the Trustee's Deed Upon Sale, as it was  
25 recorded in the Official Records of Clark County, Nevada. Pursuant to Nevada Revised Statute  
26 47.130(2), this Court may take judicial notice of facts “[g]enerally known within the territorial  
27 jurisdiction of the trial court” or facts that are “[c]apable of accurate and ready determination by  
resort to sources whose accuracy cannot reasonably be questioned.” “[A] court may take judicial  
notice of matters of public record.” *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir.  
2001).

1        Due to the Defendants failure to vacate the residence, Plaintiff was forced to take legal  
 2 action seeking possession of the Subject Property.

3        **B. PROCEDURAL HISTORY:**

4        The above-entitled action was commenced on or about December 2, 2015, in the  
 5 Henderson, Nevada Justice Court (hereinafter, "State Court") under the designated Case Number  
 6 15CH003295. A true and correct copy of the Verified Complaint for Unlawful Detainer is  
 7 attached hereto as **Exhibit "4."** Plaintiff named the former owners<sup>2</sup> and "Doe Occupants," as  
 8 Defendants in the action, because Plaintiff was unable to ascertain who was asserting a  
 9 possessory interest in the Subject Property.<sup>3</sup> In conjunction with the filing of the Complaint,  
 10 Plaintiff also applied for an order shortening time and order to show cause why a temporary writ  
 11 of restitution should not issue against Defendants. A true and correct copy of the Application and  
 12 Affidavit for Order to Show Cause and For Order Shortening Time, Order to Show Cause, and  
 13 Order Shortening Time, are attached hereto as **Exhibit "5-7"**, respectively.

14       Plaintiff's process server was unable to effectuate service upon Defendants. A true and  
 15 correct copy of the Affidavits of Non-Service is attached hereto as **Exhibit "8."** At the hearing  
 16 on the Order to Show Cause held January 4, 2016, Plaintiff's counsel made an oral motion to for  
 17 service by publication, posting and mailing, and requested an Amended Order to Show Cause. A  
 18 true and correct copy of the Amended Order to Show Cause is attached hereto as **Exhibit "9."** A  
 19 true and correct copy of the Order for Service by Publication is attached hereto as **Exhibit "10."**  
 20 Thereafter Plaintiff's effectuated service, pursuant to the Court's Order. A true and correct copy  
 21 of the Affidavit of Publication and Affidavit of Service, by posting and mailing, are attached  
 22 hereto as **Exhibit "11."**

23  
 24       <sup>2</sup> The borrower under the Deeds of Trust that were foreclosed upon was Robert J. Stone, Jr. not  
 25 Sr. This typographical error in the complaint is irrelevant to the underlying unlawful detainer  
 26 action, as the actual occupants in the residence are the necessary parties to the action. If  
 27 necessary, Plaintiff will file a motion to substitute real parties in interest. Further, Antonieta  
 28 Tovar-Gomez, was formerly on title to the property, and as such was included as a defendant, in  
 case she claimed any interest in the Subject Property.

24       <sup>3</sup> Even at the time of service of the Complaint, Plaintiff was unable to ascertain who was  
 25 asserting a possessory interest in the Subject Property, because service was being avoided. See  
 26 the Affidavit of Non-Service, attached hereto as Exhibit "8."

1 At the hearing on February 1, 2016, the Court granted the Temporary Writ of Restitution  
2 and Order. A true and correct copy of the Temporary Writ of Restitution and Order Granting  
3 Temporary Writ of Restitution are attached hereto as **Exhibit “12.”** It is undersigned counsel’s  
4 understanding that the Henderson, Nevada Constable refused to conduct the lock-out, in light of  
5 the filing of the Notice of Removal to Federal Court by Joseph Eugene Piovo (“Mr. Piovo”).  
6 Notably, Mr. Piovo was unable to obtain a stay of the lock-out from the Ninth Circuit Court of  
7 Appeals. A true and correct copy of the court Order is attached hereto as **Exhibit “13.”**

### C. STANDARD OF REMOVAL

9 Removal is appropriate under 28 U.S.C. §1441(a) when the United States has original  
10 jurisdiction over the civil action brought in State Court. A civil action may also be removed if  
11 diversity jurisdiction is established. 28 U.S.C. §1441(b). In light of the fact that Federal Courts  
12 are courts of limited jurisdiction, “[r]emoval statutes are to be strictly construed against removal  
13 jurisdiction.” *Nevada v. Bank of America Corp.*, 672 F.3d 661, 667 (9<sup>th</sup> Cir. 2012) (internal  
14 quotes omitted). “The preponderance of the evidence standard applies because removal  
15 jurisdiction ousts state-court jurisdiction and must be rejected if there is any doubt as to the right  
16 of removal in the first instance. This gives rise to a strong presumption against removal  
17 jurisdiction which means that the defendant always has the burden of establishing that removal is  
18 proper. *Geographic Expeditions, Inc. v. Estate of Lhota*, 599 F.3d 1102, 1107 (9<sup>th</sup> Cir. 2010)  
19 (internal quotes omitted). See also, *Dulcich, Inc. v. Mayer Brown, LLP*, 954 F.Supp.2d 1129,  
20 1134 (D. Or. 2013).

#### D. LEGAL ARGUMENT

#### **A. MR. PIOVO HAS FAILED TO ESTABLISH SUBJECT MATTER JURISDICTION.**

23 In this case, Mr. Piovo has not established by a preponderance of the evidence that  
24 removal is proper. The Notice of Removal rambles on for nine pages in an incoherent fashion  
25 alleging violations of due process, fraud, other various allegations and claims which have  
26 nothing to do with the cause of action set forth in the underlying Compliant in this case. The U.S.  
27 Supreme Court has “long held that “[t]he presence or absence of federal-question jurisdiction is  
28 governed by the well-pleaded complaint rule, which provides that federal jurisdiction exists only

1 when a federal question is presented on the face of the plaintiff's properly pleaded complaint.””  
 2 *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392, 107 S.Ct. 2425, 2429 (1987). Rather than  
 3 admitting that the complaint is void of any federal claims, Mr. Pivo attempts to confuse the  
 4 court with his allegations of violations of civil rights and allegations of fraud. Nevertheless, Mr.  
 5 Pivo, as a Doe Occupant, who has appeared in this action, was properly served with the  
 6 pleadings. See, *Exhibit “11”*. At best, Mr. Pivo’s arguments could be construed as a defense to  
 7 the complaint and cannot be the basis to remove to federal court, as the federal question must be  
 8 presented in the complaint. See, *Franchise Tax Bd. of Cal. v. Construction Laborers Vacation*  
 9 *Trust for Southern Cal.*, 463 U.S. 1, 14, 103 S.Ct. 2841, 2848, (1983). See also, *Rivet v. Regions*  
 10 *Bank of Louisiana*, 522 U.S. 470, 475, 11 S.Ct. 921, 925 (1998).

11 Removal based upon subject matter jurisdiction cannot be established in this case,  
 12 because the only cause of action set forth in the complaint, is a claim for unlawful detainer.  
 13 Since an unlawful detainer action is under the original in rem jurisdiction of Nevada Justice  
 14 Courts, pursuant to NRS §4.370(2), and governed by NRS §40.255, Mr. Pivo cannot establish  
 15 that the complaint sets forth a federal question. Therefore, based upon the absence of a federal  
 16 question in the complaint, remand is proper.

17 **B. MR. PIOVO HAS FAILED TO ESTABLISH DIVERSITY JURISDICTION.**

18 Diversity jurisdiction under 28 U.S.C. §1332 exists when an action is brought between  
 19 citizens of different states and/ countries and the amount in controversy exceeds \$75,000. If  
 20 plaintiff claims damages of less than \$75,000, it is defendant’s duty to offer facts to establish the  
 21 amount in controversy exceeds \$75,000. See, *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d  
 22 373, 376 (9<sup>th</sup> Cir. 1997). The removing defendant must show, by a preponderance of the  
 23 evidence, that the amount in controversy exceeds \$75,000. *Id.*

24 Here, the compliant sets forth an action for unlawful detainer, seeking possession of the  
 25 Subject Property, and damages not to exceed \$1,000.00, plus attorney’s fees and costs of  
 26 \$596.00. See, *Exhibit “4,” Compl.*, p.2, lls. 22-28. Mr. Pivo has failed to set forth facts to  
 27 establish by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.

28 /./.

1 Therefore, Plaintiff, respectfully requests that the Court find that Mr. Piovo failed to establish  
2 jurisdiction over this action, and remand the case back to State Court.

### III. CONCLUSION

4 For the foregoing reasons, Federal National Mortgage Association respectfully asks this  
5 Court to grant it Motion to Remand and remand this case back to the Las Vegas, Nevada Justice  
6 Court.

7 DATED this 11<sup>th</sup> day of March, 2016.

Respectfully Submitted,

ALDRIDGE PITE, LLP

  
REBECCA P. KERN  
*Attorneys for Plaintiff*  
*Federal National Mortgage Association*

# **EXHIBIT “1”**

**RECORDING COVER PAGE**

(Must be typed or printed clearly in BLACK ink only  
and avoid printing in the 1" margins of document)

APN# 178-17-811-009

Inst #: 201401100002534  
Fees: \$19.00 N/C Fee: \$0.00  
RPTT: \$2040.00 Ex: #  
01/10/2014 10:53:58 AM  
Receipt #: 1898786  
Requestor:  
GERARD & COX  
Recorded By: JACKSM Pgs: 4  
DEBBIE CONWAY  
CLARK COUNTY RECORDER

(11 digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.nv.us/assrrealprop/ownr.aspx>)

**TITLE OF DOCUMENT**  
(DO NOT Abbreviate)

Trustee's Deed Upon Sale

Document Title on cover page must appear EXACTLY as the first page of the  
document to be recorded.

**RECORDING REQUESTED BY:**

Gerrard Cox Larsen

RETURN TO: Name Gerrard Cox Larsen

Address 2450 St. Rose Pkwy #200

City/State/Zip Henderson, NV 89074

**MAIL TAX STATEMENT TO:** (Applicable to documents transferring real property)

Name Select Portfolio Servicing, Inc

Address 3815 South West Temple

City/State/Zip Salt Lake City, UT, 84114

This page provides additional information required by NRS 111.312 Sections 1-2.

An additional recording fee of \$1.00 will apply.

To print this document properly—do not use page scaling.

APN: 178-17-811-009

REQUESTED BY:  
WHEN RECORDED, MAIL TO:  
GERRARD COX LARSEN  
2450 St. Rose Parkway, Suite 200  
Henderson, Nevada 89074

---

TRUSTEE'S DEED UPON SALE

Gerrard Cox Larsen, a Professional corporation (herein called "Trustee") does hereby grant and convey, but without covenant or warranty, express or implied, to U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8 ("U.S. Bank") (herein called "Grantee") that certain real property generally described as 1853 Indian Bend Drive, Henderson, NV 89074, (the "Property") and more particularly described as:

**PARCEL I:**

Lot NINE (9) in Block "A" of LEGACY HIGHLANDS, as shown by map thereof on file in Book 48 of Plats, Page 18, in the Office of the County Recorder of Clark County, Nevada, and amended by Certificate of Amendment recorded January 13, 1995 in Book 950113 as Document No. 00986, of Official Records.

**PARCEL II:**

A non-exclusive right of ingress, egress and enjoyment in, to and over those areas defined as Common Areas in those certain Covenant, Conditions, Restrictions and Reservations of Easements, for LEGACY HIGHLANDS recorded July 15, 1991 in Book 910715 as Document No. 00096, Official Records.

APN: 178-17-811-009

Together with the improvements thereon and all and singular tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

This conveyance is made pursuant to the authority and powers vested in said Trustee, as Trustee, under (i) that certain Deed of Trust recorded on December 2, 2004, as Instrument 0000250 in Book 20041202 of the Official Records of the County Recorder, Clark County, Nevada ("First Deed of Trust"); (ii) that certain Deed of Trust recorded on December 2, 2004, as Instrument 0000251 in Book 20041202 of the Official Records of the County Recorder, Clark County, Nevada ("Second Deed of Trust"); (iii) that certain Court Order which was recorded on September 24, 2009, as Instrument 200909240002236 in the Official Records of the Clark County Recorder, Clark County, Nevada ("Order"); (iv) that certain Designation and Substitution of Trustee which appoints Gerrard Cox Larsen, as Trustee, duly recorded on November 21, 2012 as Instrument 201211210001559, in the Official Records of Clark County, Nevada; (v) that certain Notice of Default and Election to Sell recorded on August 16, 2013, as Instrument 201308160000732, in the

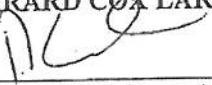
Official Records, Clark County, Nevada; and (vi) Trustee having complied with all applicable statutory requirements of the State of Nevada and performed all duties required by said Deeds of Trust.

A Notice of Trustee's sale was published once a week for three (3) consecutive weeks commencing November 18, 2013, in Nevada Legal News, a daily newspaper published at Las Vegas, Clark County, and at least twenty (20) days before the date fixed therein for sale, a copy of said Notice of Trustee's Sale was posted by Nevada Legal News in three public places in Clark County, Nevada. At the place fixed in said Notice of Trustee's Sale, said Trustee did sell said property above described at public auction on December 12, 2013, to said Grantee, being the highest bidder therefore for FOUR HUNDRED THOUSAND and 00/100 Dollars (\$400,000.00) in cash or its equivalent, lawful money of the United States.

IN WITNESS WHEREOF, Gerrard Cox Larsen, as Trustee, has this day caused its corporate name and seal to be affixed hereto and this instrument to be executed by its authorized officer, thereunto duly authorized.

DATED this 10<sup>th</sup> day of January, 2014.

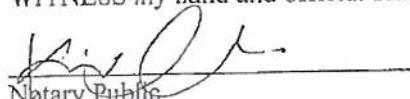
GERRARD COX LARSEN

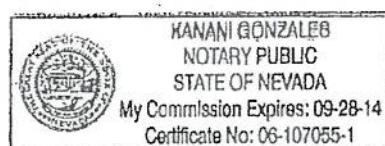
  
By: Douglas D. Gerrard  
Its: Secretary

STATE OF NEVADA )  
 )  
COUNTY OF CLARK ) ss.

On this 10 day of January, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas D. Gerrard, Esq. of Gerrard Cox Larsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

  
Notary Public  
KANANI GONZALES



Grantee's Address:  
3815 South West Temple  
Salt Lake City, UT 84118

STATE OF NEVADA  
DECLARATION OF VALUE

## 1. Assessor Parcel Number

a) 178-17-811-009

## FOR RECORDER OPTIONAL USE ONLY

Document/Instrument #: \_\_\_\_\_

Book \_\_\_\_\_ Page: \_\_\_\_\_

Date of Recording: \_\_\_\_\_

## 2. Type of Property:

a)  Vacant Land    b)  Single Fam. Res.  
 c)  Condo/Twnhse    d)  2-4 Plex  
 e)  Apt. Bldg    f)  Comm'l/Ind'l  
 g)  Agricultural    h)  Mobile Home  
 i)  Other

## 3. Total Value/Sales Price of Property

\$ 400,000.00

Deed in Lieu of Foreclosure Only (value of property)

(\$ \_\_\_\_\_)

Transfer Tax Value:

\$ 400,000.00

Real Property Transfer Tax Due

\$ 2,040.00

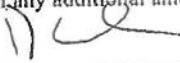
## 4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section \_\_\_\_\_

b. Explain Reason for Exemption:

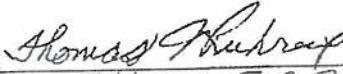
## 5. Partial Interest: Percentage being transferred: N/A

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS.375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature 

Seller Capacity: Secretary

By: Douglas D. Gerrard, Esq.

Signature 

Buyer Capacity: ATTORNEY FOR BUYER

By: THOMAS J. RUHRUP

## SELLER (GRANTOR) INFORMATION

Print Name: Gerrard Cox Larsen  
 Address: 2450 St. Rose Pkwy., Suite 200  
 City: Henderson  
 State: Nevada Zip: 89074

## BUYER (GRANTEE) INFORMATION

Print Name: U.S. Bank NA 4/0 Select Portfolio SERVICING, INC.  
 Address: 3815 SOUTH WEST TEMPLE  
 City: SALT LAKE CITY  
 State: UT Zip: 84118

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Gerrard Cox Larsen  
 Address: 2450 St. Rose Pkwy., Suite 200  
 City: Henderson State: Nevada Zip: 89074

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

# **EXHIBIT “2”**



Alaska Arizona California Florida Georgia Hawaii Idaho Nevada New Mexico Oregon Texas Utah Washington

**NOTICE TO SURRENDER**

TO: ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR.,  
AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS  
1853 INDIAN BEND DRIVE  
HENDERSON, NV 89074

NOTICE IS HEREBY GIVEN that the subject premises have been duly sold in accordance with NRS Chapter 107 under the power of sale contained in the Deed of Trust encumbering the property. Title to the property has been duly perfected.

1. IF YOU ARE A FORMER OWNER OR SUCCESSOR TO A FORMER OWNER, within three (3) days after service on you of this Notice you are required to quit and deliver up possession of the premises to the undersigned, who is authorized to receive the same. If you fail to deliver possession this office will institute legal proceedings against you to recover possession of said premises and for rents or damages as provided by law, including up to \$600 (six hundred dollars) in addition to the actual damages.
2. IF YOU ARE A BONA FIDE TENANT under the Protecting Tenants at Foreclosure Act of 2009, you may have the option to begin paying rent to the new landlord and to remain as a tenant until ninety days after service of this Notice, or until the end of a valid lease term, whichever is later. You are a "bona fide" tenant if:

- a) You are not the former owner or the child, spouse or parent of the former owner; and
- b) You entered into the lease as a result of an arms-length transaction; and
- c) The rent due under your lease or rental agreement is not substantially less than fair market rent for the property or your rent is reduced due to a Federal, State or local subsidy.
- d) You entered into and executed the lease (and any amendments thereto) *before* the trustee sale.

If you believe you are a "bona fide tenant" pursuant to the criteria above, please contact our office immediately at (858) 750-7600 so we can arrange for the new owner to assume your lease and for you to continue paying rent. If you do not contact us immediately to request that your lease be assumed, you must vacate the property within 90-days from being served this letter.

3. IF YOU ARE NOT A "BONA FIDE" TENANT OR A FORMER OWNER, you are

4375 Jutland Drive  
P.O. Box 17933  
San Diego, CA 92177-0933  
(858) 750-7600  
[www.aldridgepite.com](http://www.aldridgepite.com)

2 | Page

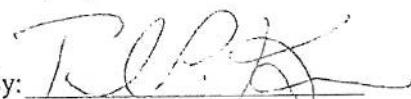
ALDRIDGE PITE  
10

required to quit and vacate the premises within three days of service of this Notice on you.

Under the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 18 et. seq., active duty military servicemembers may have additional rights and protections. Please notify our office immediately if you or any other occupants in the property are active duty military. You may also wish to contact a member of your Judge Advocate Corps.

If you have any questions please contact our office at (858) 750-7600.

DATED: October 19, 2015

By: 

Rebecca P. Kern, Esq.

# **EXHIBIT “3”**

VERIFIED RETURN OF SERVICE

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: N/A

Plaintiff:

N/A

vs.

Defendant:

ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR.

For:

ALDRIDGE PITE, LLP  
520 SOUTH 4TH ST.  
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 12th day of November, 2015 at 7:10 pm to be served on ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR. AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS, 1853 INDIAN BEND DR., HENDERSON, NV 89074.

I, Frida Aragon # R-06137, do hereby affirm that on the 14th day of November, 2015 at 2:00 pm, I:

AFFIXED a true copy of the NOTICE TO SURRENDER to the door at the address of: 1853 INDIAN BEND DR., HENDERSON, NV 89074, the same being the defendant/respondent's place of Abode within the State of Nevada. Deponent completed service by mailing a true copy of the NOTICE TO SURRENDER in a postpaid envelope to the address of: 1853 INDIAN BEND DR., HENDERSON, NV 89074 bearing the words "Personal & Confidential" by First Class on 11/14/2015 and placed in an official depository of the U.S.P.S. in the State of Nevada.

**Additional Information pertaining to this Service:**

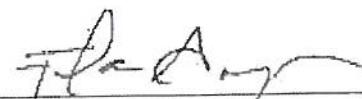
11/14/2015 8:45 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Agent left a voice mail on Cindy's personal phone number informing her of reason for phone call. Will advise if a call back is received.

11/14/2015 2:00 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Given address inside a gated community, guard granted access after stating property is empty, inhabited. Two story white stucco residence, 2 car garage, desert landscape front yard could use cleaning. Clark County Assessors returns BANK U S NATIONAL ASSN TRS %SELECT PORTFOLIO SERVICING 3815 S W TEMPLE SALT LAKE CITY UT 84118 as the owner of the property. Knocked on the door no answer. Posted NOTICE TO SURRENDER to garage door.



VERIFIED RETURN OF SERVICE For N/A

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



\_\_\_\_\_  
Frida Aragon # R-06137  
Process Server

Zane Investigations, Inc  
P.O. Box 11293  
Reno, NV 89510  
(775) 337-8177

Our Job Serial Number: ZAN-2015004172  
Ref: 001577-001770

# **EXHIBIT “4”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth St, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (619) 326-2430  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE  
COURT

2015 DEC-2 A 9:08

FILED

9 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
10 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed  
11 Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns

12

13 CLARK COUNTY, NEVADA

14 JUSTICE COURT - HENDERSON TOWNSHIP

15 U.S. BANK NA, SUCCESSOR TRUSTEE  
16 TO BANK OF AMERICA, NA,  
17 SUCCESSOR IN INTEREST TO LASALLE  
18 BANK, NA, ON BEHALF OF THE  
19 REGISTERED HOLDERS OF BEAR  
20 STEARNS ASSET BACKED SECURITIES I  
LLC, ASSET-BACKED CERTIFICATES,  
SERIES 2006-HE8, its successors and/or  
assigns,

Case No. 15JTW3295  
Dept.: III

21 VERTIFIED COMPLAINT FOR  
UNLAWFUL DETAINER

22 Plaintiff,

23 vs.

24 ANTONIETA TOVAR-GUZMAN, ROBERT  
J. STONE SR., and DOE OCCUPANTS I  
25 through X, inclusive,

26 Defendants.

27

28 Plaintiff alleges:

1. Plaintiff is an entity which is entitled to possession of and is the record owner of a  
2 parcel of real property and the dwelling thereon located at: 1853 Indian Bend Drive, Henderson,  
3 NV 89074, which is located within the above-captioned Judicial District and County and is more  
4 particularly described in the attached Trustee's Deed Upon Sale.

2. Defendant(s) Antonieta Tovar-Guzman, Robert J. Stone Sr., and/or any other  
3 additional occupants ("Defendant(s)") are, and at all times herein mentioned were, residents of  
4 the County of Clark, State of Nevada.

1       3. The true names and capacities of Defendant(s) and/or any other additional  
2 occupants named herein as DOE OCCUPANTS I through X are unknown to Plaintiff, who  
3 therefore sues said Defendants and/or any other additional occupants by such fictitious names  
4 and will amend this Complaint to show their true names and capacities when they have been  
5 ascertained.

6       4. On or about December 12, 2013, Plaintiff purchased at a validly held Trustee's  
7 Sale, that certain real property commonly known as 1853 Indian Bend Drive, Henderson, NV  
8 89074 ("Property"), and more fully described in the Trustee's Deed Upon Sale dated January 10,  
9 2014, attached hereto as Exhibit A and incorporated herein by reference.

10       5. At the time of the sale, Defendant(s) were in possession of the Property and  
11 remained in possession after the sale.

12       6. On or about November 14, 2015, Plaintiff caused a 3-Day Notice to Quit  
13 ("Notice") to be served on Defendant(s) , Antonieta Tovar-Guzman, Robert J. Stone Sr., and/or  
14 any other additional occupants. The original Notice to Quit and Affidavit of Service are attached  
15 and incorporated herein by reference as Exhibits B and C respectively.

16       7. The period to vacate the Property for Defendant(s) and/or any other additional  
17 occupants expired on or about November 18, 2015, and ever since that date Plaintiff has been  
18 entitled to immediate possession of the Property.

19       8. Defendant(s) and/or any other additional occupants have failed and refused to  
20 deliver up possession and has remained in possession without Plaintiff's permission or consent.

21       9. The withholding of possession of the Property by Defendant(s) and/or any other  
22 additional occupants from Plaintiff has been willful, deliberate, intentional and obstinate, and  
23 done by Defendant(s) and/or any other additional occupants with knowledge that the right to  
24 possession has been terminated and that said withholding is against Plaintiff's will.

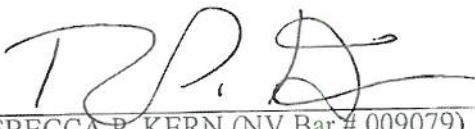
25       10. Defendant(s) and/or any other additional occupants should be required to pay  
26 reasonable rent of \$0.00 per day for the period of time from November 18, 2015, and continually  
27 until Defendant(s) and/or any other additional occupants vacate the premises, but no more than  
28 \$1,000.

1 WHEREFORE, Plaintiff prays for judgment against Defendant(s) and/or any other  
2 additional occupants and/or any other additional occupants as follows:

3 1) For restitution and possession of the Property;  
4 2) For the reasonable rental value thereof of \$0.00 per day for the time Defendant(s)  
5 and/or any other additional occupants have been in possession since November 18, 2015, but no  
6 more than \$1,000 and for such further sums as may accrue from this date;  
7 3) For costs of this suit in the amount of \$246 and reasonable attorneys' fees in the  
8 amount of \$350;  
9 4) That a Writ of Restitution issue forthwith; and  
10 5) For such other and further relief as this Court may deem just and proper.

11 Date: November 19, 2015

12 By

  
13 REBECCA P. KERN (NV Bar # 009079)  
14 Attorney for Plaintiff

15 VERIFICATION

16 STATE OF NEVADA )

17 COUNTY OF CLARK )

18 I, Rebecca P. Kern, declare:

19 I am an attorney at law duly admitted and licensed to practice before all courts of this  
20 State and I have my professional office at 520 S. Fourth St, Suite 360, Las Vegas, NV 89101.

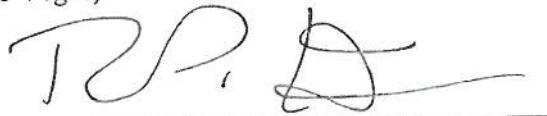
21 I am the attorney for U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF  
22 AMERICA, NA, SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF  
23 THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC,  
24 ASSET-BACKED CERTIFICATES, SERIES 2006-HE8 the Plaintiff in this action. Such party  
25 is absent from the county where I maintain my office, and I make this verification for and on  
26 behalf of that party for that reason. I have read the foregoing Summons and Complaint for  
27 Unlawful Detainer and accompanying documents therein and know their contents.

28

1 I am informed and believe and on that ground allege that matters stated therein are true.

2 I declare under penalty of perjury under the laws of the State of Nevada that the  
3 foregoing is true and correct.

4 Executed November 19<sup>th</sup>, 2015, at Las Vegas, Nevada.



5 \_\_\_\_\_  
6 REBECCA P. KERN (NV Bar # 009079)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RECORDING COVER PAGE**

(Must be typed or printed clearly in BLACK ink only  
and avoid printing in the 1" margins of document)

APN# 178-17-811-009

Inst #: 201401100002534  
Fees: \$19.00 N/C Fee: \$0.00  
RPTT: \$2040.00 Ex: #  
01/10/2014 10:53:58 AM  
Receipt #: 1898786  
Requestor:  
GERARD & COX  
Recorded By: JACKSM Pgs: 4  
DEBBIE CONWAY  
CLARK COUNTY RECORDER

(11 digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.nv.us/assrrealprop/ownr.aspx>)

**TITLE OF DOCUMENT**  
(DO NOT Abbreviate)

Trustee's Deed Upon Sale

Document Title on cover page must appear EXACTLY as the first page of the  
document to be recorded.

**RECORDING REQUESTED BY:**

Gerrard Cox Larsen

RETURN TO: Name Gerrard Cox Larsen

Address 2450 St. Rose Pkwy #200

City/State/Zip Henderson, NV 89074

**MAIL TAX STATEMENT TO:** (Applicable to documents transferring real property)

Name Select Portfolio Servicing, Inc

Address 3815 South West Temple

City/State/Zip Salt Lake City, UT, 84119

This page provides additional information required by NRS 111.312 Sections 1-2.

An additional recording fee of \$1.00 will apply.

To print this document properly—do not use page scaling.

EXHIBIT

A

APN: 178-17-811-009

REQUESTED BY:

WHEN RECORDED, MAIL TO:

GERRARD COX LARSEN

2450 St. Rose Parkway, Suite 200  
Henderson, Nevada 89074

---

TRUSTEE'S DEED UPON SALE

Gerrard Cox Larsen, a Professional corporation (herein called "Trustee") does hereby grant and convey, but without covenant or warranty, express or implied, to U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8 ("U.S. Bank") (herein called "Grantee") that certain real property generally described as 1853 Indian Bend Drive, Henderson, NV 89074, (the "Property") and more particularly described as:

**PARCEL I:**

Lot NINE (9) in Block "A" of LEGACY HIGHLANDS, as shown by map thereof on file in Book 48 of Plats, Page 18, in the Office of the County Recorder of Clark County, Nevada, and amended by Certificate of Amendment recorded January 13, 1995 in Book 950113 as Document No. 00986, of Official Records.

**PARCEL II:**

A non-exclusive right of ingress, egress and enjoyment in, to and over those areas defined as Common Areas in those certain Covenant, Conditions, Restrictions and Reservations of Easements, for LEGACY HIGHLANDS recorded July 15, 1991 in Book 910715 as Document No. 00096, Official Records.

APN: 178-17-811-009

Together with the improvements thereon and all and singular tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

This conveyance is made pursuant to the authority and powers vested in said Trustee, as Trustee, under (i) that certain Deed of Trust recorded on December 2, 2004, as Instrument 0000250 in Book 20041202 of the Official Records of the County Recorder, Clark County, Nevada ("First Deed of Trust"); (ii) that certain Deed of Trust recorded on December 2, 2004, as Instrument 0000251 in Book 20041202 of the Official Records of the County Recorder, Clark County, Nevada ("Second Deed of Trust"); (iii) that certain Court Order which was recorded on September 24, 2009, as Instrument 200909240002236 in the Official Records of the Clark County Recorder, Clark County, Nevada ("Order"); (iv) that certain Designation and Substitution of Trustee which appoints Gerrard Cox Larsen, as Trustee, duly recorded on November 21, 2012 as Instrument 201211210001559, in the Official Records of Clark County, Nevada; (v) that certain Notice of Default and Election to Sell recorded on August 16, 2013, as Instrument 201308160000732, in the

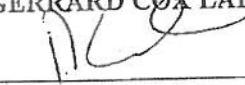
Official Records, Clark County, Nevada; and (vi) Trustee having complied with all applicable statutory requirements of the State of Nevada and performed all duties required by said Deeds of Trust.

A Notice of Trustee's sale was published once a week for three (3) consecutive weeks commencing November 18, 2013, in Nevada Legal News, a daily newspaper published at Las Vegas, Clark County, and at least twenty (20) days before the date fixed therein for sale, a copy of said Notice of Trustee's Sale was posted by Nevada Legal News in three public places in Clark County, Nevada. At the place fixed in said Notice of Trustee's Sale, said Trustee did sell said property above described at public auction on December 12, 2013, to said Grantee, being the highest bidder therefore for FOUR HUNDRED THOUSAND and 00/100 Dollars (\$400,000.00) in cash or its equivalent, lawful money of the United States.

IN WITNESS WHEREOF, Gerrard Cox Larsen, as Trustee, has this day caused its corporate name and seal to be affixed hereto and this instrument to be executed by its authorized officer, thereunto duly authorized.

DATED this 10<sup>th</sup> day of January, 2014.

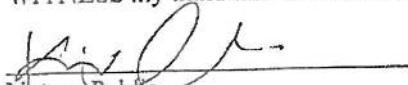
GERRARD COX LARSEN

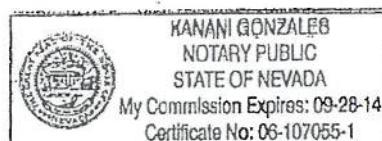
  
By: Douglas D. Gerrard  
Its: Secretary

STATE OF NEVADA )  
 )  
COUNTY OF CLARK )  
 ) ss.

On this 10 day of January, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas D. Gerrard, Esq. of Gerrard Cox Larsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

  
Notary Public  
KANANI GONZALES



Grantee's Address:  
3815 South West Temple  
Salt Lake City, UT 84118

STATE OF NEVADA  
DECLARATION OF VALUE

## 1. Assessor Parcel Number

a) 178-17-811-009

## FOR RECORDER OPTIONAL USE ONLY

Document/Instrument #: \_\_\_\_\_

Book \_\_\_\_\_ Page: \_\_\_\_\_

Date of Recording: \_\_\_\_\_

## 2. Type of Property:

a)  Vacant Land    b)  Single Fam. Res.  
 c)  Condo/Twnhse    d)  2-4 Plex  
 e)  Apt. Bldg    f)  Comm'l/Ind'l  
 g)  Agricultural    h)  Mobile Home  
 i)  Other

## 3. Total Value/Sales Price of Property

\$ 400,000.00

Deed in Lieu of Foreclosure Only (value of property)

(\$ \_\_\_\_\_)

Transfer Tax Value:

\$ 400,000.00

Real Property Transfer Tax Due

\$ 2,040.00

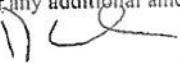
## 4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section \_\_\_\_\_

b. Explain Reason for Exemption:

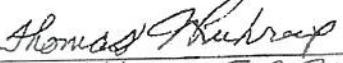
## 5. Partial Interest: Percentage being transferred: N/A

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS.375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature 

Seller Capacity: Secretary

By: Douglas D. Gerrard, Esq.

Signature   
 Buyer Capacity: ATTORNEY FOR BUYER  
 By: THOMAS J. RUHRUP

## SELLER (GRANTOR) INFORMATION

Print Name: Gerrard Cox Larsen  
 Address: 2450 St. Rose Pkwy., Suite 200  
 City: Henderson  
 State: Nevada Zip: 89074

## BUYER (GRANTEE) INFORMATION

Print Name: U.S. Bank NA 4/0 Select Portfolio Servicing, Inc.  
 Address: 3815 South West Temple  
 City: Salt Lake City  
 State: UT Zip: 84118

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Gerrard Cox Larsen  
 Address: 2450 St. Rose Pkwy., Suite 200  
 City: Henderson State: Nevada Zip: 89074

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

ALDRIDGE | PITE  
LLP

Alaska Arizona California Florida Georgia Hawaii Idaho Nevada New Mexico Oregon Texas Utah Washington

NOTICE TO SURRENDER

TO: ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR.,  
AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS  
1853 INDIAN BEND DRIVE  
HENDERSON, NV 89074

NOTICE IS HEREBY GIVEN that the subject premises have been duly sold in accordance with NRS Chapter 107 under the power of sale contained in the Deed of Trust encumbering the property. Title to the property has been duly perfected.

1. IF YOU ARE A FORMER OWNER OR SUCCESSOR TO A FORMER OWNER, within three (3) days after service on you of this Notice you are required to quit and deliver up possession of the premises to the undersigned, who is authorized to receive the same. If you fail to deliver possession this office will institute legal proceedings against you to recover possession of said premises and for rents or damages as provided by law, including up to \$600 (six hundred dollars) in addition to the actual damages.
2. IF YOU ARE A BONA FIDE TENANT under the Protecting Tenants at Foreclosure Act of 2009, you may have the option to begin paying rent to the new landlord and to remain as a tenant until ninety days after service of this Notice, or until the end of a valid lease term, whichever is later. You are a "bona fide" tenant if:

- a) You are not the former owner or the child, spouse or parent of the former owner; and
- b) You entered into the lease as a result of an arms-length transaction; and
- c) The rent due under your lease or rental agreement is not substantially less than fair market rent for the property or your rent is reduced due to a Federal, State or local subsidy.
- d) You entered into and executed the lease (and any amendments thereto) *before* the trustee sale.

If you believe you are a "bona fide tenant" pursuant to the criteria above, please contact our office immediately at (858) 750-7600 so we can arrange for the new owner to assume your lease and for you to continue paying rent. If you do not contact us immediately to request that your lease be assumed, you must vacate the property within 90-days from being served this letter.

3. IF YOU ARE NOT A "BONA FIDE" TENANT OR A FORMER OWNER, you are

4375 Jutland Drive  
P.O. Box 17933  
San Diego, CA 92177-0933  
(858) 750-7600  
www.alridgepite.com

EXHIBIT B

ALDRIDGE PITE  
PITE

2 | Page

required to quit and vacate the premises within three days of service of this Notice on you.

Under the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 18 et. seq., active duty military servicemembers may have additional rights and protections. Please notify our office immediately if you or any other occupants in the property are active duty military. You may also wish to contact a member of your Judge Advocate Corps.

If you have any questions please contact our office at (858) 750-7600.

DATED: October 19, 2015

By:   
Rebecca P. Kern, Esq.

VERIFIED RETURN OF SERVICE

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: N/A

Plaintiff:  
N/A

vs.

Defendant:  
ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR.

For:  
ALDRIDGE PITE, LLP  
520 SOUTH 4TH ST.  
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 12th day of November, 2015 at 7:10 pm to be served on ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR. AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS, 1853 INDIAN BEND DR., HENDERSON, NV 89074.

I, Frida Aragon # R-06137, do hereby affirm that on the 14th day of November, 2015 at 2:00 pm, I:

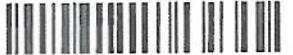
AFFIXED a true copy of the NOTICE TO SURRENDER to the door at the address of: 1853 INDIAN BEND DR., HENDERSON, NV 89074, the same being the defendant/respondent's place of Abode within the State of Nevada. Deponent completed service by mailing a true copy of the NOTICE TO SURRENDER in a postpaid envelope to the address of: 1853 INDIAN BEND DR., HENDERSON, NV 89074 bearing the words "Personal & Confidential" by First Class on 11/14/2015 and placed in an official depository of the U.S.P.S. in the State of Nevada.

**Additional Information pertaining to this Service:**

11/14/2015 8:45 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Agent left a voice mail on Cindy's personal phone number informing her of reason for phone call. Will advise if a call back is received.

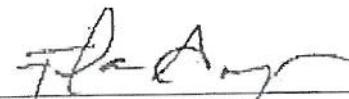
11/14/2015 2:00 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Given address inside a gated community, guard granted access after stating property is empty, inhabited. Two story white stucco residence, 2 car garage, desert landscape front yard could use cleaning. Clark County Assessors returns BANK U S NATIONAL ASSN TRS %SELECT PORTFOLIO SERVICING 3815 S W TEMPLE SALT LAKE CITY UT 84118 as the owner of the property. Knocked on the door no answer. Posted NOTICE TO SURRENDER to garage door.

EXHIBIT C



VERIFIED RETURN OF SERVICE For N/A

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



Frida Aragon # R-06137  
Process Server

Zane Investigations, Inc  
P.O. Box 11293  
Reno, NV 89510  
(775) 337-8177

Our Job Serial Number: ZAN-2015004172  
Ref: 001577-001770

# **EXHIBIT “5”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth St, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (619) 326-2430  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE  
COURT

2015 DEC - 2 A.M. 18

*FILED*

Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns

8  
9 JUSTICE COURT - HENDERSON TOWNSHIP

10 CLARK COUNTY, NEVADA

11 U.S. BANK NA, SUCCESSOR TRUSTEE  
12 TO BANK OF AMERICA, NA,  
13 SUCCESSOR IN INTEREST TO LASALLE  
14 BANK, NA, ON BEHALF OF THE  
15 REGISTERED HOLDERS OF BEAR  
16 STEARNS ASSET BACKED SECURITIES I  
17 LLC, ASSET-BACKED CERTIFICATES,  
18 SERIES 2006-HE8, its successors and/or  
19 assigns,

Case No. 15JW03295  
Dept.: III

APPLICATION AND AFFIDAVIT FOR  
ORDER TO SHOW CAUSE AND FOR  
ORDER SHORTENING TIME

20 Plaintiff,

21 vs.

22 ANTONIETA TOVAR-GUZMAN, ROBERT  
23 J. STONE SR., and DOE OCCUPANTS I  
24 through X, inclusive,

25 Defendants.

26 STATE OF NEVADA )

27 COUNTY OF CLARK )

28 I, Rebecca P. Kern, first being duly sworn, depose and say:

1. I am an attorney admitted to practice before all Courts in this State. I am counsel in the above-captioned matter, and am authorized to make this Affidavit on behalf of U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed

1 Certificates, Series 2006-HE8. I have personal knowledge of the following facts, unless stated to  
2 the contrary on information and belief and, if required to do so, would testify as follows.

3 2. That on December 12, 2013, a foreclosure sale was held in regard to the property  
4 located at 1853 Indian Bend Drive, Henderson, NV 89074 ("Property").

5 3. To the best of my knowledge, all requirements of law regarding the recording and  
6 mailing of copies of the Notice of Default and Election to Sell, and the recording, mailing,  
7 posting, and publication of the Notice of Trustee's Sale were complied with.

8 4. Plaintiff was the purchaser of the Property at the foreclosure sale.

9 5. That on November 14, 2015, Defendant(s) were served with a 3-Day Notice to  
10 Quit and have not responded to said Notice.

11 6. No rents were paid to Plaintiff, nor would they have been accepted, had any been  
12 offered by Defendant(s).

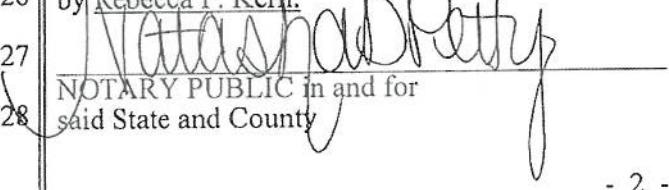
13 7. Because Plaintiff is not in possession of the Property, Plaintiff has no way to  
14 determine whether Defendant(s) are keeping the Property in good repair and no way to determine  
15 whether the Property is in marketable condition.

16 8. Plaintiff intends to market and sell the Property as soon as it obtains possession in  
17 order to recover the indebtedness owed by Defendant(s) under the promissory note and deed of  
18 trust that was the subject of the foreclosure. For every day that Plaintiff is not in possession of  
19 the Property, its ability to recover in full from the sale of the Property is reduced.

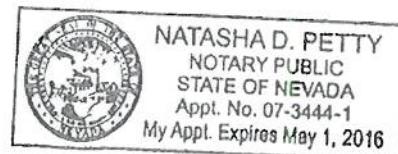
20 9. That for these reasons set forth herein, Affiant respectfully requests that an Order  
21 to Show Cause Hearing be set as soon as possible to prevent Plaintiff from suffering further  
22 losses.

23 Executed on November 19, 2015, at Las Vegas, Nevada.

  
REBECCA P. KERN (NV Bar 009079)

25 SUBSCRIBED and SWEORN to before  
26 me this 19th day of November, 2015  
27 by Rebecca P. Kern.  


28 NOTARY PUBLIC in and for  
said State and County



# **EXHIBIT “6”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth St, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (619) 326-2430  
8 E-mail: rkern@aldridgepite.com

JUSTICE COURT  
CLERK'S OFFICE

2015 DEC -3 AM 10:20

RECEIVED  
MS

9 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
10 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed  
11 Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns

12

13 JUSTICE COURT - HENDERSON TOWNSHIP

14 CLARK COUNTY, NEVADA

15 U.S. BANK NA, SUCCESSOR TRUSTEE  
16 TO BANK OF AMERICA, NA,  
17 SUCCESSOR IN INTEREST TO LASALLE  
18 BANK, NA, ON BEHALF OF THE  
19 REGISTERED HOLDERS OF BEAR  
20 STEARNS ASSET BACKED SECURITIES I  
21 LLC, ASSET-BACKED CERTIFICATES,  
22 SERIES 2006-HE8, its successors and/or  
23 assigns,

Case No. 201503245  
Dept.: 11

ORDER TO SHOW CAUSE

24 Plaintiff,

25 vs.

26 ANTONIETA TOVAR-GUZMAN, ROBERT  
27 J. STONE SR., and DOE OCCUPANTS I  
through X, inclusive,

Defendants.

28 TO: ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., and DOE  
OCCUPANTS I through X, inclusive, Defendant(s):

29 IT IS HEREBY ORDERED that on the 4th day of January,  
30 2016, at 10:00 a.m., or as soon thereafter as counsel may be heard, in Department  
31 11 of 243 Water Street, Henderson, NV 89015, appear and show cause, if any, why a  
32 Temporary Writ of Restitution should not be issued as prayed for;

33

1 IT IS FURTHER ORDERED that the Defendant(s) have the right to file affidavits on  
2 their behalf and may appear personally or by way of an attorney, and present testimony on their  
3 behalf at the time of the hearing; and

4 IT IS FURTHER ORDERED that if Defendant(s) fail to appear, Defendant(s) shall be  
5 deemed to have waived right to the hearing, and that in such case the Court may issue its  
6 Temporary Writ of Restitution permitting Plaintiff to take possession of the premises described  
7 in its Complaint.

8 Defendants are hereby advised that the hearing as to why a Temporary Writ of  
9 Restitution should not be issued as prayed for in the Complaint is not the trial on the merits. At  
10 any time, any party may request a trial date by filing a request for trial setting with the court.  
11 Such trial date will be set no earlier than 20 calendar days after service of the Summons and  
12 Complaint on Defendants.

13

14 IT IS SO ORDERED this 3 day of December 15  
15

16 DAVID S. GIBSON, SR.  
17

18 Respectfully Submitted by:  
19 ALDRIDGE PITE, LLP

20   
21 REBECCA P. KERN (NV Bar #009079)  
22 Attorney for Plaintiff

23 Dated: November 19, 2015  
24

25

26

27

28

# **EXHIBIT “7”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth St, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (619) 326-2430  
8 E-mail: rkern@aldridgepite.com

JUSTICE COURT  
CLARK COUNTY

2015 DEC -3 AM 20

FILED

9  
10 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
11 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed  
12 Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

JUSTICE COURT - HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

Case No. 15CHW3295  
Dept. III

ORDER SHORTENING TIME

U.S. BANK NA, SUCCESSOR TRUSTEE  
TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE  
BANK, NA, ON BEHALF OF THE  
REGISTERED HOLDERS OF BEAR  
STEARNS ASSET BACKED SECURITIES I  
LLC, ASSET-BACKED CERTIFICATES,  
SERIES 2006-HE8, its successors and/or  
assigns,

Plaintiff,

vs.

ANTONIETA TOVAR-GUZMAN, ROBERT  
J. STONE SR., and DOE Occupants I through  
X, inclusive,

Defendants.

Pursuant to the request of Plaintiff, and good cause appearing therefore,

IT IS HEREBY ORDERED that the time within which the said Defendant(s) in the  
above-entitled action shall be required to appear and defend the action is hereby shortened to ten  
(10) days, pursuant to N.R.S. 40.300 and this Order. The person or officer serving the Summons  
in the above-entitled action shall change the prescribed form thereof to conform to the service as  
ordered.

27

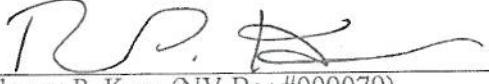
28

1 To-wit:that said person or officer shall change the time from twenty days(20) as stated on  
2 the Summons, to ten (10) days, or the time within which said Defendant(s) shall answer the  
3 Complaint or appear in said action.

4 IT IS SO ORDERED this 3 day of December, 2015.

5 DAVID S. GIBSON, SR.  
6  
7 JUSTICE OF THE PEACE

8 Respectfully Submitted by:  
9 ALDRIDGE PITE, LLP

10   
11 Rebecca P. Kern (NV Bar #009079)  
12 Attorney for Plaintiff

13 Dated: November 19, 2015

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT “8”**

**AFFIDAVIT OF NON-SERVICE**

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: 15CH003295

Plaintiff:

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF  
THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED  
SECURITIES I LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-  
HE8, ITS SUCCESSORS AND/OR ASSIGNS

vs.

Defendant:

ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., AND DOE  
OCCUPANTS I THROUGH X, INCLUSIVE

For:

ALDRIDGE PITE, LLP  
520 SOUTH 4TH ST.  
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 23rd day of November, 2015 at 4:14 pm to be served on  
ANTONIETA TOVAR-GUZMAN, 1853 INDIAN BEND DR., HENDERSON, NV 89074.

I, Frida Aragon # R-06137, being duly sworn, depose and say that on the 21st day of December, 2015 at 8:45 pm, I:

NON-SERVED the SUMMONS, CIVIL CASE COVER SHEET, ORDER TO SHOW CAUSE, ORDER  
SHORTENING TIME, APPLICATION & AFFIDAVIT FOR ORDER TO SHOW CAUSE AND FOR ORDER  
SHORTENING TIME, VERIFIED COMPLAINT FOR UNLAWFUL DETAINER. After due search, careful  
inquiry and diligent attempts was unable to serve on ANTONIETA TOVAR-GUZMAN for the reasons  
detailed in the comments below.

**Additional Information pertaining to this Service:**

12/16/2015 11:30 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Given  
address inside a 24 hours live guard gated community. Access granted by gate guard. Two story white  
stucco residence, 2 car garage, front yard needs cleaning. Clark County Assessors returns BANK WELLS  
FARGO NATIONAL ASSOCIATION TRS 3217 S DECKER LAKE DR SALT LAKE CITY UT 84119 as the  
owner of the property. There are a metallic gray buick NV plates 395TGS and a silver Hyundai XG350 NV  
plates 428TEW parked in the driveway. Vehicles show signs of being parked here for some time. There is a  
security camera located in the left upper corner of the front door. Door bell is useless. Knocked on the door  
for several minutes received no response. Per instructions at gate contact with neighbors is prohibited and  
so is leaving business cards behind.

12/18/2015 7:45 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Access  
granted. Hyundai is gone. Buick in driveway. Knocked on the door for several minutes received no  
response.

12/19/2015 12:45 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Both  
vehicles parked in the driveway. Trash can out to the street to be emptied. Knocked on the windows as well  
as pounding on the door for several minutes received no response.

12/21/2015 8:45 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Both vehicles  
parked in driveway. Outside lights on. No visible lights on inside. Pounded on the door for several minutes  
received no response. Unable to make contact with whoever is residing at the property after multiple  
attempts.

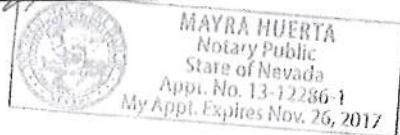


**AFFIDAVIT OF NON-SERVICE For 15CH003295**

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 22nd  
day of DECEMBER, 2015 by the affiant  
who is personally known to me.

*[Signature]* *[Signature]*  
NOTARY PUBLIC



*[Signature]*  
Frida Aragon # R-06137  
Process Server

Zane Investigations, Inc  
P.O. Box 11293  
Reno, NV 89510  
(775) 337-8177

Our Job Serial Number: ZAN-2015004319  
Ref: 001577-001770

**AFFIDAVIT OF NON-SERVICE**

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: 15CH003295

Plaintiff:

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF  
THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED  
SECURITIES I LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-  
HE8, ITS SUCCESSORS AND/OR ASSIGNS

vs.

Defendant:

ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., AND DOE  
OCCUPANTS I THROUGH X, INCLUSIVE

For:

ALDRIDGE PITE, LLP  
520 SOUTH 4TH ST.  
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 23rd day of November, 2015 at 4:14 pm to be served on  
ROBERT J. STONE SR., 1853 INDIAN BEND DR., HENDERSON, NV 89074.

I, Frida Aragon # R-06137, being duly sworn, depose and say that on the 21st day of December, 2015 at 8:45 pm, I:

NON-SERVED the SUMMONS, CIVIL CASE COVER SHEET, ORDER TO SHOW CAUSE, ORDER  
SHORTENING TIME, APPLICATION & AFFIDAVIT FOR ORDER TO SHOW CAUSE AND FOR ORDER  
SHORTENING TIME, VERIFIED COMPLAINT FOR UNLAWFUL DETAINER. After due search, careful  
inquiry and diligent attempts was unable to serve on ROBERT J. STONE SR. for the reasons detailed in  
the comments below.

**Additional Information pertaining to this Service:**

12/16/2015 11:30 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Given  
address inside a 24 hours live guard gated community. Access granted by gate guard. Two story white  
stucco residence, 2 car garage, front yard needs cleaning. Clark County Assessors returns BANK WELLS  
FARGO NATIONAL ASSOCIATION TRS 3217 S DECKER LAKE DR SALT LAKE CITY UT 84119 as the  
owner of the property. There are a metallic gray buick NV plates 395TGS and a silver Hyundai XG350 NV  
plates 428TEW parked in the driveway. Vehicles show signs of being parked here for some time. There is a  
security camera located in the left upper corner of the front door. Door bell is useless. Knocked on the door  
for several minutes received no response. Per instructions at gate contact with neighbors is prohibited and  
so is leaving business cards behind.

12/18/2015 7:45 am Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Access  
granted. Hyundai is gone. Buick in driveway. Knocked on the door for several minutes received no  
response.

12/19/2015 12:45 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Both  
vehicles parked in the driveway. Trash can out to the street to be emptied. Knocked on the windows as well  
as pounding on the door for several minutes received no response.

12/21/2015 8:45 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Both vehicles  
parked in driveway. Outside lights on. No visible lights on inside. Pounded on the door for several minutes  
received no response. Unable to make contact with whoever is residing at the property after multiple  
attempts.

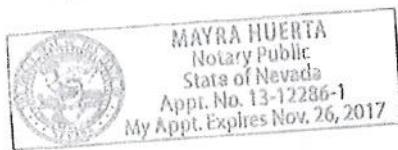


**AFFIDAVIT OF NON-SERVICE For 15CH003295**

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 20<sup>th</sup> day of DECEMBER, 2015 by the affiant who is personally known to me.

NOTARY PUBLIC



Frida Aragon # R-06137

Process Server

Zane Investigations, Inc

P.O. Box 11293

Reno, NV 89510

(775) 337-8177

Our Job Serial Number: ZAN-2015004320

Ref: 001577-001770

# **EXHIBIT “9”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth Street, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (619) 326-2430  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE COURT

1-4-16 H9

FILED IN OPEN COURT

9  
10 Attorneys for Plaintiff, U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA,  
11 NA, SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF  
12 THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED  
13 SECURITIES I LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-HE8,  
14 its successors and/or assigns

15  
16 JUSTICE COURT - HENDERSON TOWNSHIP  
17 CLARK COUNTY, NEVADA

18 U.S. BANK NA, SUCCESSOR TRUSTEE  
19 TO BANK OF AMERICA, NA,  
20 SUCCESSOR IN INTEREST TO LASALLE  
BANK, NA, ON BEHALF OF THE  
REGISTERED HOLDERS OF BEAR  
STEARNS ASSET BACKED SECURITIES I  
LLC, ASSET-BACKED CERTIFICATES,  
SERIES 2006-HE8, its successors and/or  
assigns,

Case No. 15CH003295  
Dept.: 3

AMENDED ORDER TO SHOW CAUSE

21 Plaintiff,

22 vs.

23 ANTONIETA TOVAR-GUZMAN, ROBERT  
24 J. STONE SR., and DOE OCCUPANTS I  
through X, inclusive,

Defendants.

25 TO: ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., and DOE OCCUPANTS I  
26 through X, inclusive, Defendant(s):

27 IT IS HEREBY ORDERED that on the 15<sup>th</sup> day of February, 2016,  
28 at 10:00am., or as soon thereafter as counsel may be heard, in Department 3 of Justice Court -  
Henderson Township, 243 Water Street Henderson, NV 89015, appear and show cause, if any, why a  
Temporary Writ of Restitution should not be issued as prayed for;

1 IT IS FURTHER ORDERED that the Defendant(s) have the right to file affidavits on their  
2 behalf and may appear personally or by way of an attorney, and present testimony on their behalf at  
3 the time of the hearing; and

4 IT IS FURTHER ORDERED that if Defendant(s) fail to appear, Defendant(s) shall be  
5 deemed to have waived right to the hearing, and that in such case the Court may issue its Temporary  
6 Writ of Restitution permitting Plaintiff to take possession of the premises described in its Complaint.

7 Defendants are hereby advised that the hearing as to why a Temporary Writ of Restitution  
8 should not be issued as prayed for in the Complaint is not the trial on the merits. At any time, any  
9 party may request a trial date by filing a request for trial setting with the court. Such trial date will be  
10 set no earlier than 20 calendar days after service of the Summons and Complaint on Defendants.

11 IT IS SO ORDERED this 4<sup>th</sup> day of January, 2016.

12 DAVID S. GIBSON, SR.  
13 JUSTICE OF THE PEACE

15 Respectfully Submitted by:  
16 ALDRIDGE PITE, LLP

17 

18 REBECCA P. KERN  
19 Attorney for Plaintiff

20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT “10”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth Street, Suite 360  
5 Las Vegas, NV 89101  
6 Telephone: (858)750-7600  
7 Facsimile (619)326-2430  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE COURT  
1-4-1Lc Hg  
FILED IN OPEN COURT

9  
10 Attorneys for Plaintiff, U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA,  
11 NA, SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF THE  
12 REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC,  
13 ASSET-BACKED CERTIFICATES, SERIES 2006-HE8, its successors and/or assigns

14  
15  
16 JUSTICE COURT - HENDERSON TOWNSHIP  
17 CLARK COUNTY, NEVADA

18 U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle  
19 Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I  
20 LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns,

Case No. 15CH003295

Dept. No. 3

21 ORDER FOR SERVICE BY  
22 PUBLICATION

23 Plaintiff,

24 v.

25 Antonieta Tovar-Guzman, Robert J. Stone Sr.,  
26 and DOE OCCUPANTS I through X,  
27 inclusive,

28 Defendant.

29  
30 Upon Oral Motion to Serve by Publication by the attorney for Plaintiff on file herein, it  
31 appearing that a Complaint has been filed in this matter; that a Summons directed to Defendant  
32 Antonieta Tovar-Guzman, Robert J. Stone Sr., has been issued; that Defendant Antonieta Tovar-  
33 Guzman, Robert J. Stone Sr., is a necessary party; that Defendant Antonieta Tovar-Guzman, Robert  
34 J. Stone Sr., cannot be personally served, and good cause appearing therefore:

35 IT IS HEREBY ORDERED that Defendant Antonieta Tovar-Guzman, Robert J. Stone Sr.,  
36 be served by publication of the Summons and the Amended Order to Show Cause hearing date for 5  
37 consecutive day(s) over a period of 1 consecutive week(s) in a newspaper of general circulation

1 published in Clark County, Nevada.

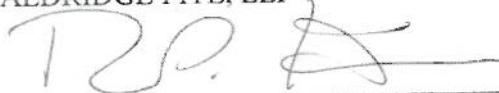
2 **IT IS FURTHER ORDERED** that Plaintiff shall serve Defendant the Summons, Complaint  
3 Amended Order to Show Cause and other related documents there to via regular US mail and posting  
4 upon the subject property.

5 **DAVID S. GIBSON, SR.**

6 DATED: January 4, 2016

7 **JUSTICE OF THE PEACE**

8  
9 Respectfully Submitted by:  
10 ALDRIDGE PITE, LLP

11 

12 Rebecca P. Kern (NV Bar #009079)  
13 Attorney for Plaintiff

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT “11”**

AFFP

15CH003295

## Affidavit of Publication

STATE OF NEVADA } SS  
COUNTY OF CLARK }

HENDERSON JUSTICE  
COURT

2016 JAN 11 P 4:03

FILED

JUSTICE COURT - HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

CASE NO. 15CH003295 Dept.: III

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF THE  
REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I  
LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-HE8, its successors and/or  
assigns, Plaintiff,  
vs. ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., and DOE Occupants  
I through X, inclusive, Defendant.

### SUMMONS

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 10 DAYS.  
READ THE INFORMATION BELOW. TO THE DEFENDANT: A civil Complaint has  
been filed by the Plaintiff against you for the relief set forth in the Complaint. Object  
of Action: This is a Complaint for Unlawful Detainer. 1) If you intend to defend this  
lawsuit, within 10 days after this Summons is served on you exclusive of the day of  
service, you must do the following: a) File with the Clerk of this Court, whose  
address is shown below, a formal written response to the Complaint in accordance  
with the rules of this Court. A \$71.00 filing fee is required. b) Serve a copy of your  
response upon the attorney whose name and address is shown below. 2. Unless  
you respond, your default will be entered upon application of the Plaintiff and this  
Court may enter a judgment against you for the relief demanded in the Complaint,  
which could result in the taking of money or property or other relief requested in the  
Complaint. 3. If you intend to seek the advice of an attorney in this matter, you  
should do so promptly so that your response may be filed on time. By: UNKNOWN,  
DEPUTY CLERK, Date 12-2-15, Justice Court - Henderson Township, Clark County,  
Nevada, 243 Water Street, Henderson, NV 89015, Issued at direction of: REBECCA  
P. KERN (NV Bar #009079), Attorney For: U.S. Bank NA, 520 S. Fourth St, Suite  
360, Las Vegas, NV 89101, Address, (858) 750-7600 or (800) 500-8757, Telephone  
Number

JUSTICE COURT - HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

Case No. 15CH003295 Dept.: 3

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF THE  
REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I  
LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-HE8, its successors and/or  
assigns, Plaintiff,  
vs. ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., and DOE  
OCCUPANTS I through X, inclusive, Defendants.

### AMENDED ORDER TO SHOW CAUSE

TO: ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., and DOE  
OCCUPANTS I through X, inclusive, Defendant(s): IT IS HEREBY ORDERED that  
on the 1st day of February, 2016, at 10:00 a.m., or as soon thereafter as counsel  
may be heard, in Department 3 of Justice Court - Henderson Township, 243 Water  
Street Henderson, NV 89015, appear and show cause, if any, why a Temporary Writ  
of Restitution should not be issued as prayed for; IT IS FURTHER ORDERED that  
the Defendant(s) have the right to file affidavits on their behalf and may appear  
personally or by way of an attorney, and present testimony on their behalf at the time  
of the hearing; and IT IS FURTHER ORDERED that if Defendant(s) fail to appear,  
Defendant(s) shall be deemed to have waived right to the hearing, and that in such  
case the Court may issue its Temporary Writ of Restitution permitting Plaintiff to take  
possession of the premises described in its Complaint. Defendants are hereby  
advised that the hearing as to why a Temporary Writ of Restitution should not be  
issued as prayed for in the Complaint is not the trial on the merits. At any time, any  
party may request a trial date by filing a request for trial setting with the court. Such  
trial date will be set no earlier than 20 calendar days after service of the Summons  
and Complaint on Defendants. IT IS SO ORDERED this 4th day of January, 2016. s/  
DAVID S. GIBSON, SR., JUSTICE OF THE PEACE, Respectfully Submitted by:  
ALDRIDGE PITE, LLP, s/ REBECCA P. KERN (NV Bar # 009079), LAUREL I.  
HANDLEY (NV Bar # 009576, 520 S. Fourth Street, Suite 360, Las Vegas, NV  
89101, Telephone: (858) 750-7600, Facsimile (619) 326-2430, E-mail:  
rkern@alridgepite.com, Attorneys for Plaintiff, U.S. BANK NA, SUCCESSOR  
TRUSTEE TO BANK OF AMERICA, NA, SUCCESSOR IN INTEREST TO LASALLE  
BANK, NA, ON BEHALF OF THE REGISTERED HOLDERS OF BEAR STEARNS  
ASSET BACKED SECURITIES I

I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

Jan 05, 2016  
Jan 06, 2016  
Jan 07, 2016  
Jan 08, 2016  
Jan 11, 2016

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Jan 11, 2016

Rosalie Qualls

  
COPY ONLY  
Keep this Copy for your Records  
Original Filed with the  
Henderson Justice Court

01104305 00406474 (858) 412-2680

ALDRIDGE PITE, LLP  
520 S. 4TH ST., STE. 360  
LAS VEGAS, NV 89101

AFFIDAVIT OF SERVICE

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: 15CH003295

Plaintiff:

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA,  
SUCCESSOR IN INTEREST TO LASALLE BANK, NA, ON BEHALF OF  
THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED  
SECURITIES I LLC, ASSET-BACKED CERTIFICATES, SERIES 2006-  
HE8, ITS SUCCESSORS AND/OR ASSIGNS

vs.

Defendant:

ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., AND DOE  
OCCUPANTS I THROUGH X, INCLUSIVE

For:

ALDRIDGE PITE, LLP  
520 SOUTH 4TH ST.  
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 4th day of January, 2016 at 7:51 pm to be served on  
ANTONIETA TOVAR-GUZMAN, ROBERT J. STONE SR., AND DOE OCCUPANTS I THROUGH X,  
INCLUSIVE, 1853 INDIAN BEND DR., HENDERSON, NV 89074.

I, Frida Aragon # R-06137, being duly sworn, depose and say that on the 6th day of January, 2016 at 1:40 pm, I:

AFFIXED a true copy of the SUMMONS, ORDER TO SHOW CAUSE, ORDER SHORTENING TIME,  
APPLICATION & AFFIDAVIT FOR ORDER TO SHOW CAUSE AND FOR ORDER SHORTENING TIME,  
VERIFIED COMPLAINT FOR UNLAWFUL DETAINER, AMENDED ORDER TO SHOW CAUSE, ORDER  
FOR SERVICE BY PUBLICATION to the door at the address of: 1853 INDIAN BEND DR.,  
HENDERSON, NV 89074, the same being the defendant/respondent's place of Abode within the State of  
Nevada. Deponent completed service by mailing a true copy of the SUMMONS, ORDER TO SHOW  
CAUSE, ORDER SHORTENING TIME, APPLICATION & AFFIDAVIT FOR ORDER TO SHOW CAUSE  
AND FOR ORDER SHORTENING TIME, VERIFIED COMPLAINT FOR UNLAWFUL DETAINER,  
AMENDED ORDER TO SHOW CAUSE, ORDER FOR SERVICE BY PUBLICATION in a postpaid  
envelope to the address of: 1853 INDIAN BEND DR., HENDERSON, NV 89074 bearing the words  
"Personal & Confidential" by First Class on 1/6/2016 and placed in an official depository of the U.S.P.S. in  
the State of Nevada.

**Additional Information pertaining to this Service:**

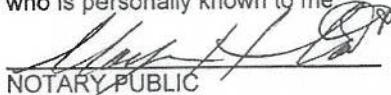
1/6/2016 1:40 pm Attempted Service: 1853 INDIAN BEND DR., HENDERSON, NV 89074 Knocked on the  
door for several minutes received no response. Posted documents to garage door.

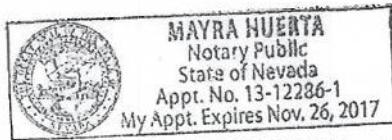


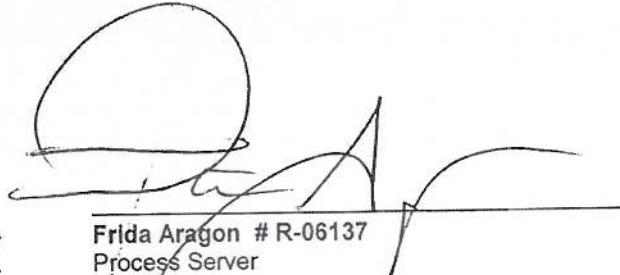
AFFIDAVIT OF SERVICE For 15CH003295

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 1<sup>st</sup> day of January, 2016 by the affiant  
who is personally known to me

  
NOTARY PUBLIC



  
Frida Aragon # R-06137  
Process Server

Zane Investigations, Inc  
P.O. Box 11293  
Reno, NV 89510  
(775) 337-8177

Our Job Serial Number: ZAN-2016000029  
Ref: 001577-001770

# **EXHIBIT “12”**

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth Street, Ste 360  
5 Las Vegas, NV 89101  
6 Telephone: (858) 750-7600  
7 Facsimile (866) 683-4619  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE  
COURT

2016 FEB - 3 P 3:40

AS  
FILED

9  
10 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
11 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns  
12 Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its  
13 successors and/or assigns

14 JUSTICE COURT - HENDERSON TOWNSHIP

15 CLARK COUNTY, NEVADA

16 U.S. Bank NA, successor trustee to Bank of  
17 America, NA, successor in interest to LaSalle  
18 Bank, NA, on behalf of the registered holders  
19 of Bear Stearns Asset Backed Securities I  
20 LLC, Asset-Backed Certificates, Series 2006-  
HE8, its successors and/or assigns,

Plaintiff,

Case No. 15CH003295  
Dept.: 3

TEMPORARY WRIT OF RESTITUTION

DATE: February 1, 2016  
TIME: 10:00 AM  
DEPT.: 3

21 vs.  
22 Antonieta Tovar-Guzman, Robert J. Stone Sr.,  
23 and DOE OCCUPANTS I through X,  
24 inclusive,

Defendants.

25 THE STATE OF NEVADA, TO THE SHERIFF OR CONSTABLE OF THE COUNTY OF  
26 Clark, GREETINGS:

27 WHEREAS, Plaintiff U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
28 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed  
Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns, at a  
Court of inquire of Unlawful holding over of lands, tenements and other possessions, held at my  
office in the City of Henderson Township, County of Clark, on February 1, 2016, before me, Justice

1 of the Peace for the County aforesaid, by consideration of the Court, has demonstrated its right to  
2 possession against Antonieta Tovar-Guzman, Robert J. Stone Sr., and DOE OCCUPANTS I  
3 through X, inclusive, and is entitled to have restitution of the premises commonly known as 1853  
4 Indian Bend Drive, Henderson, NV 89074.

5 NOW, THEREFORE, YOU ARE HEREBY COMMANDED that taking with you the force  
6 of the County, if necessary, you cause the said Defendant, Antonieta Tovar-Guzman, Robert J. Stone  
7 Sr., and DOE OCCUPANTS I through X, inclusive, and all persons claiming under them, to be  
8 immediately removed from the aforesaid premises, and the said Plaintiff, U.S. Bank NA, successor  
9 trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the  
10 registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series  
11 2006-HE8, its successors and/or assigns, shall have peaceable restitution of the same.

12 IT IS HEREBY STATED that the Writ of Restitution shall be effective on **Immediately**.

13

14

15 Executed this 3 day of February 20 16, at \_\_\_\_\_.

16 **DAVID S. GIBSON, SR.**

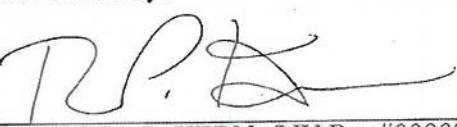
17

JUSTICE OF THE PEACE

18

19 Submitted By:

20

21   
REBECCA P. KERN, (NV Bar #009079)

22

ALDRIDGE PITE, LLP  
REBECCA P. KERN (NV Bar # 009079)  
520 S. Fourth Street, Ste 360  
Las Vegas, NV 89101  
Telephone: (858) 750-7600  
Facsimile (866) 683-4619  
E-mail: rkern@aldridgepite.com

23

24

25

26

27

28

1 ALDRIDGE PITE, LLP  
2 LAUREL I. HANDLEY (NV Bar # 009576)  
3 REBECCA P. KERN (NV Bar # 009079)  
4 520 S. Fourth Street, Ste 360  
5 Las Vegas, NV 89101  
6 Telephone: (702) 991-4639  
7 Facsimile (866) 683-4619  
8 E-mail: rkern@aldridgepite.com

HENDERSON JUSTICE  
COURT

2016 FEB - 3 P 3:41

9  
10 Attorneys for Plaintiff, U.S. Bank NA, successor trustee to Bank of America, NA, successor in  
11 interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns  
12 Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its  
13 successors and/or assigns

14 JUSTICE COURT - HENDERSON TOWNSHIP

15 CLARK COUNTY, NEVADA

16 U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank, NA, on behalf of the registered holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2006-HE8, its successors and/or assigns,

17 Plaintiff,

18 vs.

19 Antonieta Tovar-Guzman, Robert J. Stone Sr.,  
20 and DOE OCCUPANTS I through X,  
21 inclusive,

22 Defendants.

Case No. 15CH003295  
Dept.: 3

23 ORDER GRANTING TEMPORARY WRIT  
24 OF RESTITUTION

DATE: 2/1/2016  
TIME: 10:00 AM  
DEPT.: 3

25 This matter having come on for hearing on 2/1/2016, in the above-entitled court, appearances  
26 as stated on the record and based upon all the pleadings and papers on file herein, and good cause  
27 appearing therefor,

28 IT IS HEREBY ORDERED that the Temporary Writ of Restitution shall issue upon plaintiff  
posting a bond of \$250.00. This Writ shall be effective on Immediately.

29 Executed this 3 day of February, 20 16, at \_\_\_\_\_.

DAVID S. GIBSON, SR.

30 JUSTICE OF THE PEACE

31 Submitted by:

32   
REBECCA P. KERN (NV Bar #009079)

# **EXHIBIT “13”**

Case: 15-15650, 03/01/2016, ID: 9885379, DktEntry: 63, Page 1 of 1

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MAR 01 2016

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOSEPH EUGENE PIOVO,

No. 15-15650

Plaintiff - Appellant,

D.C. No. 2:13-cv-01922-APG-  
GWF  
District of Nevada,  
Las Vegas

v.

ROBERT STONE; et al.,

ORDER

Defendants - Appellees.

Before: BEA and M. SMITH, Circuit Judges.

Appellant's emergency motion for injunctive relief is denied.

Briefing is completed.